

The School will utilize the following procedures regarding the availability of public records. Any person may inspect or obtain a copy of the public records of the School during the regular business hours of the office in which such records are maintained. An Employee or representative will be present during inspection of the records. Except as required or authorized by state or federal law, the Board shall not limit or condition the availability of public records by requiring disclosure of the requestor's identity or proposed use of the records, or by asking the request to be put in writing, unless it first discloses to the requester that a) none of that information is mandatory and b) whether disclosure of that information or making the request in writing would enhance the ability to identify, locate or deliver the records sought by the requestor. The School may require disclosure of the requester's identity or the intended use of student directory information in order to ascertain whether the directory information is for use in a profit-making plan or activity, and no student directory information, if any has been designated, shall be released to or accessed by any person or group for use in a profit-making plan or activity.

The School maintains a database or list that includes the name and birthdates of all Board Members and employees employed by the School. The database or list shall be made available upon a public records request.

A viewer, or a requester of copies of public records, may purchase copies of the School's public records upon payment of a fee not to exceed the cost for reproduction, supplies, mailing, delivery, transmission and/or handling. When making copies or records available, the preparer shall notify the requester of redactions or make redactions plainly visible to the requester. The current fee for copies shall be set by Board resolution.

If a request for public records is ambiguous, or overbroad, or does not reasonably identify what public records are being requested, the request may be denied so long as the requester is informed of the manner in which records are maintained and accessed by the School. Each ultimate denial, in whole or in part, shall provide the requester with an explanation, including the legal authority, as to why the request was denied, and such reasons shall be put in writing if the initial request was put in writing. The Board does not waive its rights to additional legal authority of reasons for denial by way of its written explanation to a requester.

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

The Board or its designee shall 1) participate in training concerning public records which is required by the Ohio Attorney General and which is free of charge under section 109.43 of the Ohio Revised Code, 2) erect a poster about its public records policy in a conspicuous place in all locations or branches of operations (See **Appendix 147-A**), 3) require its employee in charge of public records to sign an acknowledgement of receipt of its public records policies, and 4) include its public records policy in its manuals or handbooks of general policies and procedures for all

employees. In addition, as of February 1, 2016, all Board members and administrators must attend public records training annually

The Board authorizes the Principal or his or her designee to dispose of, on a daily basis, routine messages transmitted by means of voicemail or email, provided the messages do not alter existing School records.

Redacting, Encrypting, or Truncating Personal Information

An individual may request that his/her personal information, (social security number, federal tax identification number, driver's license or state identification number, individual checking account, saving account, or credit card number) which is made available to the general public on the internet, be redacted. The request must be made in writing on the form contained in **Appendix 147-B**. Within five business days of receiving the request, the School shall redact the personal information requested to be redacted, if practicable. If impracticable, then the School shall the individual with a verbal or written explanation of why the redaction is impracticable.

The School shall redact, encrypt or truncate the social security number of any individual whose social security number is contained in a document which is available to the general public on the internet. If the School becomes aware that an individual's social security number was mistakenly not redacted, encrypted or truncated, the School shall do so within a reasonable period of time. This requirement does not apply to documents that are only accessible through the internet with a password.

Acknowledgement of Employee or Designee
in Charge of Public Records

Date

R.C. 149.43

See Appendix 147-A Public Records Poster; Appendix 147-B Request to Redact Personal Information. See also Policy 325.1 Public Records.

PLEASE NOTE: Policies 203.4 and 235 are the Parent's Bill of Rights policies.

203.4 Parental Review of Instructional Materials

Definitions

“Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic format or digital formats (such as materials accessible through the internet). The term does not include academic tests or academic assessments.

“Sexuality content” means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting. “Sexuality content” does not mean any of the following:

1. instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education as required by law;
2. instruction or presentations in sexually transmitted infection education emphasizing abstinence; or
3. incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations on such topics, including references made during class participation and in schoolwork.

“‘Age-appropriate’ and ‘developmentally appropriate’” content means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.

Parental Review

The School shall make available for review by parents, upon a reasonable request, any instructional material used as part of the educational curriculum for students, including instructional material that contains “sexuality content.”

The School shall ensure that any sexuality content is age-appropriate and developmentally appropriate for the age of the student receiving the instruction, regardless of the age or grade level of the student.

Prior to providing instruction that includes sexuality content, or permitting a third party to provide such instruction on behalf of the School, the School shall provide parents the opportunity to review any instructional material that includes sexuality content. Upon request of the student's parent, a student shall be excused from instruction that includes sexuality content and be permitted to participate in an alternative assignment.

Complaint and Appeal Process

A parent may file with the School Principal or Assistant Principal a written statement of concern regarding the School's use of sexuality content, or regarding violations of Policy 235. Within thirty

(30) days of receipt, the Principal or Assistant Principal shall review and investigate any such concerns and shall provide a resolution, if necessary, to such concern. The Principal or Assistant Principal shall notify the parent of such resolution within 30 days of receipt of the complaint. Such notice shall advise the parent of the right to appeal the decision to the Superintendent.

The Superintendent or his/her designee shall conduct a hearing of the appeal of the Principal's or Assistant Principal's resolution of a parent concern regarding the School's use of sexuality content or violations of Policy 235, provided the Principal and Superintendent are not the same person. If the Principal and Superintendent are the same person, the ☐ Board, ☐ a committee of the Board, or ☐ _____, an administrator who is not involved in the decision, will hear the appeal resolution. Based on the findings of the appeal hearing, the Superintendent shall decide whether to affirm the Principal's or Assistant Principal's decision. If the Superintendent does not affirm the decision, the Superintendent shall determine a resolution to the parent's concern.

A parent may appeal the Superintendent's decision to the Board. The Board shall review the Superintendent's decision and, if the Board determines it necessary, hold a hearing on the decision and, based on that hearing, either affirm the Superintendent's decision or determine a new resolution to the parent's concern.

20 U.S.C. 1232h; R.C. 3313.473.

Definitions

Terminology preferences may differ based many factors, including religion, language, race, ethnicity, age, and/or culture. For the purposes of this policy, the following terms shall be defined to mean:

“Student’s mental, emotional, or physical health or well-being” - Any of the following: (a) a student’s academic performance; (b) any significant sickness or physical injury, or any psychological trauma suffered by a student; (c) any harassment, intimidation, or bullying, as defined in section 3313.666 of the Revised Code, by or against a student in violation of policy; (d) any request by a student to identify as a gender that does not align with the student’s biological sex; (e) exhibition of suicidal ideation or persistent symptoms of depression, or severe anxiety, or other mental health issues.

Annual Parental Notice

At the beginning of each school year, the School shall notify parents of each health care service offered at, or facilitated in cooperation with, the School. Notice shall include a statement of the parent’s option to withhold consent or decline any specified service. Parental consent to health care services does not waive the parent’s right to access the parent’s student’s educational or health records or to be notified about a change in the student’s services or monitoring as provided in this policy.

Notice of Service to a Student

The School shall not provide a health service to a student, unless (1) a notice was made to a parent whether the service is required to be provided by the School under state law, and it other options for a student to access services exist; and (2) the School has obtained parental authorization to provide any type of health care service to the student, including physical, mental, and behavioral health care services.

The School shall promptly notify a student’s parent of any substantial change in the student’s services, including counseling services, or monitoring related to the student’s mental, emotional, or physical health or well-being or the school’s ability to provide a safe and supportive learning environment for the student. Parents shall be notified in writing, and such notice shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and that the School will not inhibit parental access to the student’s education and health records maintained by the School. School personnel are prohibited from directly or indirectly encouraging a student to withhold from a parent information concerning the student’s mental, emotional, or physical health or well-being, or a change in related services or monitoring.

Emergency or Disability Services

Nothing in this policy shall apply to emergency situations, first aid, other unanticipated minor health care services, or health care services provided pursuant to a student’s individual education program or the School’s obligations under Section 504 of the Rehabilitation Act of 1973.

Complaint and Appeal Process

A parent may file with the School Principal or Assistant Principal a written statement of concern regarding the School’s provision of services in support of a Student’s mental, emotional, or physical health or well-

being. Within thirty (30) days of receipt, the Principal or Assistant Principal shall review and investigate any such concerns and shall provide a resolution, if necessary, to such concern. The Principal or Assistant Principal shall notify the parent of such resolution within 30 days of receipt of the complaint. Such notice shall advise the parent of the right to appeal the decision to the Superintendent.

The Superintendent or his/her designee shall conduct a hearing of the appeal of the Principal's or Assistant Principal's resolution of a parent concern regarding the School's provision of services in support of a Student's mental, emotional, or physical health or well-being, provided the Principal and Superintendent are not the same person. If the Principal and Superintendent are the same person, the ☐ Board, ☐ a committee of the Board, or ☐ _____, an administrator who is not involved in the decision, will hear the appeal resolution. Based on the findings of the appeal hearing, the Superintendent shall decide whether to affirm the Principal's or Assistant Principal's decision. If the Superintendent does not affirm the decision, the Superintendent shall determine a resolution to the parent's concern.

A parent may appeal the Superintendent's decision to the Board. The Board shall review the Superintendent's decision and, if the Board determines it necessary, hold a hearing on the decision and, based on that hearing, either affirm the Superintendent's decision or determine a new resolution to the parent's concern.

Exceptions

Nothing in this policy shall require the disclosure or activity that is in conflict with or in violation of any of the following:

1. The HIPAA privacy rule or protected health information under R.C. Chapter 3798. of the Revised Code;
2. Privileged communications protected by R.C. 2317.02, R.C. 4732.19, or R.C. 5122.04;
3. The "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g;
4. Laws protecting crime victims, including Ohio Constitution, Article I, Section 10a and any laws enacted to implement that section.
5. any court order, including: (a) a condition of bond; (b) a protection order or consent agreement issued pursuant to R.C. 2151.34, R.C. 2903.213, 2903.214, R.C. 2919.26, or R.C. 3113.31; or (c) A condition of a community control sanction, post-release control sanction, or parole.
6. A specific request for nondisclosure made pursuant to a criminal investigation or grand jury subpoena in which the student is the victim and a parent is the alleged perpetrator.

Nothing in this policy prohibits or prevents an individual's mandatory child abuse or neglect reporting obligations under Ohio law.

Nothing in this policy shall be construed to prohibit or limit the career and academic mentoring and counseling between teachers and students in the regular course of the school day.

R.C. 3313.473.

The School intends to comply with Title IX of the Education Amendments Act of 1972, which states, in part: “No persons in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance....”

As such, the School does not discriminate on the basis of sex in its education program or activities, and is required by Title IX and its regulations not to discriminate in such a manner. This requirement not to discriminate in the education program or activity extends to admission and employment.

The following person shall be the Compliance Officer/Title IX Coordinator and is responsible for investigating any complaint alleging noncompliance with Title IX.

Regional Vice President
2741 South Hamilton Road
Columbus, Ohio 43232
614-547-4493

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Inquiries about the application of Title IX and its regulations to the School may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department, or both.

A specific procedure for grievances related to Title IX issues is set forth as the “Title IX Grievance Procedure.” *34 CFR 106*

The language above will be posted on the School’s website within two clicks of the home page; in all other School-related documents made available to students, parents, staff, and applicants (e.g., student newspapers, parent newsletters, student handbooks, employee handbooks, application forms, recruiting materials, etc.).

See also Policy 206 General Notice of Non-Discrimination

222.1 Title IX Grievance Procedure

The Title IX Grievance Procedure listed below is meant to provide for prompt and equitable resolution of student and employee complaints.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Should any School employee, or School official who has authority to institute corrective measures on behalf of the School, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator.

If a report involves allegations by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report. If the Superintendent is the Title IX Coordinator, the person making the report should submit it to the Board President.

Grievance Process for Complaints Not Alleging Sexual Harassment

Level I – Informal Procedure

Upon receiving a report of sexual discrimination that does not allege sexual harassment (as defined below), the Title IX Coordinator shall facilitate resolution through an informal procedure, if possible. This informal procedure is not required as a precursor to the filing of a complaint. The informal procedure is only available in those circumstances where the parties agree to participate in it. Individuals who believe that they have been unlawfully sexually discriminated/retaliated against may proceed immediately to the complaint procedure and individuals who seek resolution through the informal procedure may request that the informal procedure be terminated at any time to move to the complaint procedure. While there are no set time limits within which an informal procedure must be resolved, the Title IX Coordinator or his/her designee will exercise his/her authority to attempt to resolve the informal procedure within fifteen (15) business days of receiving the report.

Parties who are dissatisfied with the results of the informal procedure may proceed to file a complaint with the Title IX Coordinator.

Level II – Complaint Procedure

If a report is not resolved through the informal procedure, if one of the parties requests that the informal procedure be terminated to move to the complaint procedure, or if the individual elects to file a complaint initially, the complaint procedure shall be implemented. The School also reserves the right to investigate and resolve a complaint or report of sex discrimination/retaliation

regardless of whether the individual alleging the unlawful discrimination/retaliation pursues a complaint.

The complaint should be in writing and state the date and nature of the alleged discrimination/retaliation and the relief sought. If the grievant is a student, the Title IX Coordinator shall assist in preparing the written complaint.

Upon receipt of the written complaint of sexual discrimination that does not allege sexual harassment, the Title IX Coordinator or his/her designee shall begin an investigation. The investigation will include, but not be limited to, interviews and a consideration of documentation or other information presented by any party that is reasonably believed to be relevant to the allegations, as applicable. Although certain cases may require additional time, the Title IX Coordinator or his/her designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the written complaint. The School reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

If an individual is alleged to have engaged in discrimination/retaliation, that individual shall be presumed to not be responsible for the alleged conduct until the conclusion of the complaint procedure. That individual must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

At the conclusion of the investigation, the Title IX Coordinator or his/her designee shall issue a written decision to the parties.

Level III – Appeal

If the student or employee believes that there still is a basis for a grievance, he or she may make a written statement of appeal to the Board. This written statement of appeal must be filed within ten (10) business days of the date of the Title IX Coordinator's decision

The Board or its designee (1-3 members of the Board) shall make a decision on the grievance appeal in a timely manner (ordinarily, within fifteen (15) business days of the appeal being received), and shall give that decision in writing to the Title IX Coordinator and the Student or employee.

Grievance Process for Complaints of Sexual Harassment

Definitions

For purposes of this grievance process,

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School

investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School’s education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Training

Any individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, these individuals shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope

of the School's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, and that decision-makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

Presumption of No Responsibility

Throughout this grievance procedure, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In addition, the School shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The School must comply with this grievance process before the imposition of any disciplinary sanctions, or other actions that are not supportive measures, against a respondent.

The investigation of the grievance shall include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The standard of evidence to be used to determine responsibility will be the preponderance of the evidence standard.

Good Cause Delay

There may be a temporary delay of the grievance process or a limited extension of time-frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Level I – Response to Report

Upon receiving a report of sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will maintain as confidential any supportive measures provided before or after the filing of a formal complaint or where no formal complaint

has been filed, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures.

Level II – Formal Complaint

Upon receipt of a formal complaint (or later as additional allegations become known), the School will provide the following written notice to the parties who are known:

(A) Notice of the School's grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must also inform the parties of any provision in the School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the foregoing notice provided, the School must provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation:

The Title IX Coordinator or his/her designated investigator will investigate the allegations in a formal complaint. When investigating a formal complaint and throughout the grievance process, the Title IX Coordinator or his/her designated investigator must:

(A) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the School must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

(B) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(C) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(D) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(E) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

(F) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report; and

(G) Create an investigative report within thirty (30) business days of receipt of a formal complaint that fairly summarizes relevant evidence and, at least ten (10) business days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Question and Answer Period

After the School has sent the investigative report to the parties, the Title IX Coordinator or his/her designated investigator shall submit the investigative report to a decision-maker(s) to reach a determination regarding responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the decision-maker(s) must afford each party five (5) business days to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. However, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the

respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Dismissal

The School must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the School's education program or activity, or did not occur against a person in the United States, then the School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another provision of the School's code of conduct.

The School may also dismiss the formal complaint or any allegations therein, if at any time during the investigation: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the School; or specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the School will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Determination Regarding Responsibility

The decision-maker(s) must issue a written determination regarding responsibility within twenty-five (25) business days of receiving the investigative report.

The written determination must include:

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the School's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and
- (F) The School's procedures and permissible bases for the complainant and respondent to appeal.

The School must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If a determination of responsibility for sexual harassment has been made against a respondent, the School will provide remedies to a complainant. The Title IX Coordinator is responsible for effective implementation of any remedies. Possible remedies to the complainant that the School may implement include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures or individualized services offered as may be appropriate and reasonably available, without fee or charge to the complainant, that are designed to restore or preserve equal access to the School's education program or activity, to protect the safety of the complainant or the School's educational environment, or to deter sexual harassment.

Possible disciplinary sanctions the School may implement following any determination of responsibility by the respondent may include: suspension, expulsion, reprimand, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, termination of employment, or any other disciplinary measures outlined in the School's code of conduct or Staff Handbook.

Level III – Appeal

Either the complainant or respondent, or their parent or guardian, may appeal from a determination regarding responsibility or from a dismissal of a formal complaint, or any allegations therein. Any such appeal shall be received by the Title IX Coordinator in writing within ten (10) business days of the determination.

The appeal may be on one or more of the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator shall give the written appeal to an appeal decision-maker(s) for decision. The decision-maker on appeal cannot be the same person(s) as the initial decision-maker, the Title IX Coordinator, or the investigator(s).

Within three (3) business days of receipt, the Title IX Coordinator shall also provide notice to the other party in writing that the appeal was filed. Each party shall then be provided five (5) business days to submit a written statement in support of, or challenging, the outcome.

Within ten (10) business days after the time to submit a written statement has passed, the decision-maker on appeal shall issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

For all appeals, the School must ensure that the decision-maker(s) for the appeal: (i) not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent; (ii) receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (iii) receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and (iv) receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Office for Civil Rights

If the student (or their parent or guardian) or employee is not satisfied with the grievance process determination, he or she may appeal it to the Office for Civil Rights. However, use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

A student (or their parent or guardian) or employee who believes there is a basis for a grievance related to Title IX may file a written complaint with the Office for Civil Rights, U.S. Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination, or, if this grievance procedure is utilized, within sixty (60) days after the last act of the grievance process.

Informal Resolution Process

The School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

Similarly, the School may not require the parties to participate in an informal resolution process, and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the School may facilitate an informal resolution process that does not involve a full investigation and adjudication, provided that the School:

- (A) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(B) Obtains the parties' voluntary, written consent to the informal resolution process; and

(C) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Any such informal resolution process should not exceed ten (10) business days.

Emergency Removal

Nothing in this grievance procedure precludes the School from removing a respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, this provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Administrative Leave

Nothing in this grievance procedure precludes the School from placing a non-student employee respondent on administrative leave during the pendency of a grievance process. However, this provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

Recordkeeping

The School must maintain for a period of seven years records of:

(A) Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program or activity;

(B) Any appeal and the result therefrom;

(C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School must make these training materials publicly available on its website, or if the School does not maintain a website the School must make these materials available upon request for inspection by the public.

For each response to a report or formal complaint of sexual harassment in an education program or activity, the School must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School must document the basis for its conclusion that its

response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If the School does not provide a complainant alleging sexual harassment with supportive measures, then the School must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

Retaliation Prohibited

Neither the School, nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding in this grievance procedure. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, constitutes retaliation.

The School must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination complaints not alleging sexual harassment. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance procedure does not constitute prohibited retaliation under this grievance procedure, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Designations

The School retains discretion to designate suitably qualified persons to fulfill any function under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The School also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent and/or Title IX Coordinator may delegate functions assigned to a specific individual under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded at any time.

See 34 CFR part 106; see also Policy 221, Policy 222, and Appendices 221.1-A through 221.1-J.

It is the policy of the School that no otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the School.

As used in this policy, “an individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Notice of the School’s policy on nondiscrimination in employment and education practices shall be given in this Policy manual, posted in the School, and published in any School statement regarding the availability of employment positions or special education services.

Employment

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training, or transfer solely because of his/her disabling condition.

No candidate for employment shall be required to answer a question regarding a disabling condition and no such candidate will be discriminated against on the basis of a disabling condition that is not directly related to the essential functions of the position for which she/he has applied.

Reasonable modifications in scheduling and the allocation of duties, not directly affecting the instructional program, shall be made to accommodate employment conditions to the needs of individuals with disabilities.

Facilities

Barrier free access to School facilities or an alternative means of providing services shall be provided as required by law so that no individual with a disability is excluded from participation in a School program solely by reason of his/her disability. The School will comply with the building, program and other accessibility requirements of the Americans with Disabilities Act (ADA) and other applicable laws.

Program

All reasonable efforts shall be made to serve the School’s special needs children eligible for special education and/or related services in accordance with the School’s Special Needs policy. A free appropriate public education shall be provided for each child determined to be in need of special education and/or related services. Such a program of special education shall be provided in the least restrictive environment and in barrier free facilities comparable to those provided for non-disabled students. To the maximum extent appropriate to the student’s disability, a disabled student shall be placed in an educational setting with non-disabled or less severely disabled students.

No student will be denied, because of his/her disability, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognitions rendered regularly to the students of the School.

The due process rights of disabled students and their parents will be rigorously enforced.

Section 504

It is the intent of the School to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), are identified, evaluated, and provided with appropriate educational services. Students may be identified as handicapped under Section 504 even though they are not eligible to receive services under the Individuals with Disabilities Act.

The Principal or his/her designee shall be the Section 504 Compliance Officer. A complaint regarding a violation of law and this policy in an employment decision shall be subject to a grievance procedure (Policy 228) that provides for the prompt and equitable resolution of disputes.

Procedures

The School shall annually adopt procedures for the Education of Children with Disabilities as approved by the Ohio Department of Education Office of Exceptional Children in **Appendix 227-A**.

20 USC 1412; 34 CFR 300.220.

234.1 Student Cellular Phones in School

To support a school environment in which students can fully engage with their classmates, their teachers, and instruction, the use of cell phones by students on school property during school hours is prohibited.

Nothing in this policy prohibits a student from using a cell phone as documented in the student's individualized education program or Section 504 plan for a learning purposes or to monitor or address a health concern.

In the case of an emergency, cellular telephones may be used at the discretion of School administration as permitted by the School's emergency management plan.

Students determined to be in violation of this policy may be subject to discipline consistent with the Student Code of Conduct. A copy of this policy shall be posted prominently on its website, and shall be available upon request.

R.C. 3313.753.

See Policy 271 – Student Code of Conduct.

238 Political Affiliations or Ideologies

The School shall not solicit or require an employee or applicant for employment, or a student to affirmatively ascribe to or opine about specific beliefs, affiliations, ideals, or principles concerning political movements or ideologies. Additionally, the School shall not use statements of commitment to specific beliefs, affiliations, ideals, or principles concerning political movements or ideologies as part of the academic evaluation of students.

Nothing in this policy shall be construed to prohibit, limit, or restrict any of the following:

1. The School's authority to require a student or employee to comply with federal or state law, including anti-discrimination laws, or to take action against a student or employee for violation of federal or state law;
2. An educator's academic freedom;
3. An educator's ability to research or write publications about specific beliefs, affiliations, ideals, or principles concerning political movements, ideology, or social action so long as those publications so not violate other laws or policies or constitute conduct unbecoming of the teaching profession;
4. The School's authority to consider an applicant for employment's scholarship, teaching, or subject matter expertise in the applicant's given academic field;
5. The School's authority to offer an established character education program.

All policies, guidance, and training materials used for students, educators, and staff on all matters regarding specific beliefs, affiliations, ideals, or principles concerning political movements, or ideologies shall be available to the public for review unless otherwise protected by law.

This policy is not intended to restrict employee rights under the National Labor Relations Act.

R.C. 3319.614.

General Policy

Students enrolled in the School must attend School regularly in accordance with the laws of the State. The educational program offered by the School is predicated upon the presence and punctuality of the student and requires continuity of instruction and classroom participation. Student absences, whether excused or unexcused, take away from instructional time and have an adverse effect on student learning.

A parent must contact the School in accordance with the procedure set forth in Policy 252 whenever a student is absent.

Attendance shall be required of all students enrolled at the School during the days and hours that the School is in session. Attendance need not always be within the School facilities, but a student will be considered to be in attendance if present at any place where School is in session by authority of the Board.

Excused Absences

Absences due to the following will be excused:

1. Personal physical illness that prevents attendance at School (at the discretion of the Principal or his/her designee, a written statement from a physician/clinical nurse specialist/certified nurse practitioner may be required).
2. Personal mental illness such that the student will not benefit from instruction (at the discretion of the Principal or his/her designee, a written statement from a physician/clinical nurse specialist/certified nurse practitioner/mental health professional may be required).
3. Illness in the family necessitating the presence of the child (at the discretion of the Principal or his/her designee, a written statement from a physician and an explanation as to why the child's absence was necessary may be required).
4. Quarantine in the home (absence will be excused for the duration of the quarantine as determined by proper health officials).
5. Death in the family (absence will be excused for no more than eighteen (18) hours unless the Principal or his/her designee determines that a longer absence is reasonably necessary).
6. Medical, behavioral, or dental appointments (at the discretion of the Principal or his/her designee, a written statement from a physician, mental health professional, or dentist confirming the appointment may be required).
7. Observance of religious holidays or expression of religious beliefs consistent with the truly held religious beliefs of the child or the child's family for no more than three (3) school days (the Principal may require confirmation of the parent's signature requesting the absence, but may not inquire as to the sincerity of the student's religious or spiritual belief system).

8. College or university visits (at the discretion of the Principal or his/her designee, verification of the date and time of the visit may be requested).
9. Pre-enlistment reporting to military enlistment processing station (at the discretion of the Principal or his/her designee, a written verification confirming the date and time reporting may be required).
10. Absence due to a placement in or changes to a foster care placement or any court proceeding related to a student's foster care status.
11. Absences due to a student being homeless.
12. Absences due to deployment activities of a parent or custodian.
13. The existence of an emergency condition at home such as absence, illness, or death of the parent or custodian.
14. Necessary work in a family business or on a family farm (after proof of necessary absence is provided to the Principal or his/her designee).
15. Necessary work directly and exclusively for a child's parent, if the child is over the age of fourteen (14) and has been in regular attendance at school during the current school year (after proof of necessary absence is provided to the Principal or his/her designee).
16. Instruction at home from a person qualified to teach the branches of education in which instruction is required, and such additional branches, as the advancement and needs of the child may require (after adequate certification of home instruction has been provided to the Principal or his/her designee).
17. An emergency or set of circumstances which in the judgment of the School constitutes a good and sufficient cause for absence.
18. If a student is absent from School for the sole purpose of traveling out of state to participate in a School-approved enrichment activity or extracurricular activity, the School shall count that absence as an excused absence, up to a maximum of twenty-four (24) hours per school year that the School is open for instruction. The student must complete any classroom assignments he/she misses due to the absence. If the student will be absent for twenty-four (24) or more consecutive hours that the School is open for instruction, a classroom teacher must accompany the student during the travel period to provide the student with instructional assistance in order to count the student as in attendance.

The Principal or his/her designee reserves the right to verify statements and to investigate the cause of absence.

Excuses from future school attendance:

1. Shall be limited to a period not to exceed thirty (30) school hours and can be renewed at the discretion of the Superintendent or his/her designee for thirty (30) additional hours. Absences shall not exceed sixty (60) consecutive hours unless the child's parent has recently died or become totally or partially incapacitated and there is no older sibling living in the home who is out of school. At the discretion of the Superintendent or his/her designee, a written statement from a physician may be required.

2. May not materially endanger the child's educational welfare or scholastic advancement.

Withdrawal

A student who fails to participate in seventy-two (72) consecutive hours of learning opportunities will be automatically withdrawn, unless the student's absence is excused. Otherwise, a parent may withdraw a student voluntarily by signing a Voluntary Withdrawal form with the Principal or his/her designee.

Whenever a student withdraws from the School voluntarily, the Student's teacher shall attempt to ascertain the reason for withdrawal and shall immediately inform the Superintendent or his/her designee of the reason for the withdrawal. If the Student voluntarily withdrew from the School as a result of a change in residence, the Superintendent or his/her designee shall notify the superintendent of the district to which the Student has moved of all essential information regarding the Student, including the Student's new address.

If the Superintendent or his/her designee becomes aware that a Student who has withdrawn from the School for reasons other than a change of residence is not enrolled in another school, the Superintendent or his/her designee shall notify the juvenile judge of the county in which the School is located of the Student's likely violation of the State's compulsory education laws. Notice shall be given within two (2) weeks and shall include the Student's name, address, date of birth, School, and the district where the Student resides. Any notice given in error shall be immediately rescinded by the Superintendent or his/her designee.

Disciplinary Action for Unexcused Tardiness

Repeated unexcused absences/tardiness may be grounds for disciplinary action that will not include suspension or expulsion.

A student is tardy when a student is more than five (5) minutes late for School or for a class. If a student misses more than half a class, the student will be marked absent for the class. When tracking hours of missed instruction for excessive absence and truancy purposes, the School shall (select one):

- ☒ X Track tardiness and early dismissals to the nearest hour of missed instruction for each instance of tardiness or early dismissal per day (e.g., if a student is thirty-five (35) minutes tardy to school and leaves school forty-five (45) minutes early, the student shall be counted as absent for two (2) hours of that day).
- ☐ Track tardiness and early dismissal times based on the precise amount of missed instruction, tracked to the nearest minute (e.g., if a student is thirty-five (35) minutes tardy to school and leaves school forty-five (45) minutes early, the student shall be counted as absent for eighty (80) minutes of that day).
- ☐ Track tardiness and early dismissals to the nearest _____ minutes (not to exceed sixty (60) minutes) of missed instruction for each instance of tardiness or early dismissal per day.

Students shall not be considered absent for purposes of habitual truancy calculations while out of class for a legitimate reason, including but not limited to restroom breaks, visits to the nurses office, counselor meetings, or remediation sessions.

Any student who, due to a medically-documented physical or mental impairment, is absent for an extended period will not be disciplined. Such students may be entitled to receive an education tailored to their individual needs or abilities as provided for under federal and/or state law.

Truancy and Absence Intervention Strategies

The Principal or his/her designee may act as the School's attendance officer or delegate that duty as permitted by law. The School's attendance officer shall investigate possible School attendance violations, and is authorized under Ohio law, to serve warrants, to enter places where children of compulsory School age are employed, and to take such other actions as may be necessary to enforce the compulsory education laws.

A student is chronically absent from school if a student is absent from the School for ten percent (10%) or more of the minimum number of hours required in the school year with or without legitimate nonmedical or nonreligious excuse. When a student misses five percent (5%) of the minimum number of hours required in the school year, the attendance officer shall notify the student's parents of the student's absences.

The School shall employ absence intervention strategies for all students who are chronically absent from School. Such strategies shall include the following tiered systems of supports, which shall provide more intensive interventions and supports for students with greater numbers of absences and include resources to help students and families address root causes of absences:

1. Providing a truancy intervention plan for any student who is chronically absent or at risk of becoming chronically absent from school;
2. Providing counseling for a habitual truant;
3. Requesting or requiring a parent to attend parental involvement programs;
4. Requesting or requiring a parent to attend truancy prevention mediation programs; and
5. Taking legal action under R.C. 2919.222, 3321.20, and/or 3321.38.

A student is habitually truant if the student is absent without a legitimate excuse for thirty (30) or more consecutive hours, for forty-two (42) or more hours in one (1) school month, or seventy-two (72) or more hours in one (1) school year.

Legitimate excuses for the absence of a student otherwise habitually truant include but are not limited to:

1. the student was enrolled in another school;
2. the student's absence was excused in accordance with applicable law or policy; or,
3. the student has received an age and schooling certificate.

The attendance officer shall examine cases of supposed truancy within the School, and shall warn the child and the parent in writing of the legal consequences to being truant. When the child is not attending school, the attendance officer or his/her designee shall notify the parent of that fact and require the parent to cause the child to attend school immediately.

The attendance officer shall file a complaint with the juvenile court against a student if the student is a habitual truant, unless the attendance officer determines that the student is making satisfactory progress in improving the student's attendance at school. If a student is not deemed to be making progress to improve attendance at school, or ceases to continue making progress to improve attendance, the attendance officer shall file a complaint in the juvenile court against the student. Any complaint filed under this policy shall alleged that the child is an unruly child for being a habitual truant and that the parent has violated Section 3321.38 of the Revised Code.

The Superintendent or his/her designee is also authorized to establish a parent education program for parents of students who are habitually truant. Any parent assigned to the program who does not complete the program is to be reported to law enforcement authorities for neglect of parent education, a fourth class misdemeanor if found guilty.

This Board consulted with the juvenile court of the counties in which the School is located, parents of students attending the School, and state and local agencies deemed appropriate by the Board prior to adopting this policy.

R.C. 2151.011; R.C. 2151.27; R.C. 3314.03(A)(6); R.C. 3314.11; R.C. 3321.01; R.C. 3321.041; R.C. 3321.13-.191; O.A.C. 3301-69-02.

The following policy must appear in any student handbook, and in any publications that set forth the comprehensive rules, procedures, and standards for the School and students. Information regarding this policy must be incorporated into employee training materials. Annually, the School shall send a written statement describing the policy and the consequences for violating the policy to each student's custodial parent or guardian, either electronically or with report cards.

The School prohibits acts of harassment, intimidation, or bullying (including cyber-bullying) of any student on school property or at school-sponsored events (any event conducted on or off School property, including School buses and other School related vehicles, that is sponsored, recognized or authorized by the Board). A safe and civil environment in the School is necessary for students to learn and achieve high academic standards. Harassment, intimidation and bullying, like other disruptive or violent behaviors, are conduct that disrupts both a student's ability to learn and the School's ability to educate its students in a safe environment. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying.

"Harassment, intimidation, or bullying" means either of the following: (1) any intentional, written, verbal, electronic, graphic, or physical act that a student or group of students has exhibited toward another particular student more than once, and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student; or (2) violence within a dating relationship. The definition of "harassment, intimidation, or bullying" also includes the above described acts which are electronically generated, stored or transmitted, sometimes called "cyberbullying."

The School reserves the right to discipline students' off campus behavior which substantially disrupts the School's educational process or mission, or threatens the safety or well-being of a Student or Staff member. Factors which may be considered in determining whether the behavior warrants discipline include, but are not limited to, the following: (1) whether the behavior created material and substantial disruption to the educational process or the School's mission due to the stress on the individual(s) victimized or the time invested by Staff in dealing with the behavior or its consequences; (2) whether a nexus to on-campus activities exists; (3) whether the behavior creates a substantial interference with a Student's or Staff member's security or right to educate and receive education; (4) whether the behavior invades the privacy of others; or (5) whether any threat is deemed to be a true threat by the administration or Board, using factors and guidelines set out by the courts or by common sense, reasonable person standards.

Some acts of harassment, intimidation, bullying, and cyber-bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation, bullying, or cyber-bullying that they require a response either in the classroom, School building, or by law enforcement officials. Consequences and appropriate remedial actions for students who commit an act of

harassment, intimidation, bullying, or cyber-bullying range from positive behavior intervention up to and including suspension or expulsion. Due process procedures for suspension and expulsion will be followed, as provided for under R.C. 3313.66. The disciplinary procedures and Code of Conduct of the School shall be followed and shall not infringe on any student's First Amendment rights under the United States Constitution.

All school personnel, volunteers, and students are required to report prohibited incidents of which they are aware to the Principal or his/her designee. All other persons may report prohibited incidents of which they are aware to the Principal or his/her designee. Should any School employee, or School official who has authority to institute corrective measures on behalf of the School, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator. Anonymous communications, if necessary, may be made by telephone, electronic mail, or in writing. In the case of sexual harassment as defined by Title IX, the School shall follow the School's Title IX Grievance Procedure. For all other incidents, the Principal or his/her designee is responsible for determining whether an alleged incident constitutes a violation of this policy. In so doing, the Principal or his/her designee shall conduct a prompt and thorough investigation of the reported incident, and prepare a report documenting the prohibited incident that is reported (See **Appendix 264.1-A** Form for Reporting Incidents of Harassment Intimidation and Bullying). Once an investigation is completed, if the reported incident has been substantiated, the Parent of any Student involved in the prohibited incident shall be notified. Semiannually, the Principal will provide the Board President with a written summary of all reported incidents. To the extent permitted by R.C. 3319.321 and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), Parents have access to any written reports pertaining to the prohibited incident, and, if the School has a website, the School shall post this summary of reported incidents on the School website. All School personnel, volunteers, and Students shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy promptly and in good faith.

The School prohibits reprisal or retaliation against any victim or person who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with School policies and procedures.

Students are prohibited from deliberately making false reports of harassment, intimidation, or bullying, and Students who deliberately do so will be disciplined up to and including suspension or expulsion.

The School shall implement the following strategy for protecting victims from new or additional harassment, intimidation, or bullying, and from retaliation: supervise and discipline offending students fairly and consistently; provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition; maintain contact with parents and guardians of all involved parties; provide counseling for the victim if assessed that it is needed; inform School personnel of the incident and instruct them to monitor the victim and the offending party for the indications of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; check with the victim daily to ensure that there has been no incidents of harassment, intimidation, bullying, or retaliation from the offender or other parties.

Harassment, intimidation, and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. While conduct that rises to the level of “harassment, intimidation, or bullying” will warrant disciplinary action whether and to what extent to impose disciplinary action (*i.e.*, detention, in- and out-of-school suspension, or expulsion) is a matter left in the professional discretion of the Principal, or other decision-maker in the case of sexual harassment. The following procedure sets forth possible interventions for the Principal to enforce the prohibition against harassment, intimidation, or bullying. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

1. Non-Disciplinary Interventions

When verified acts of harassment, intimidation, or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation or bullying, its prohibition and their duty to avoid any conduct that could be considered harassing, intimidating or bullying. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim’s communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Peer mediation may be deemed inappropriate to address the concern at the discretion of the School administration.

2. Disciplinary Interventions

When acts of harassment, intimidation, and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. In- and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation. Expulsion may be imposed only after a hearing before the Board of Directors, a committee of the board or an impartial hearing officer designated by the Board of Directors in accordance with Board policy. This consequence shall be reserved for serious incidents of harassment, intimidation, or bullying, and/or situations where past interventions have not been successful in eliminating prohibited behaviors.

Nothing in this policy prohibits a victim from seeking redress under any provision of Ohio or federal law that may apply.

To the extent state or federal funds are appropriate, the School shall require that all students enrolled in the School be provided with age-appropriate instruction of this policy annually, including a written or verbal discussion of the consequences for violations. The School may form a prevention task force and/ or programs to educate students about this policy, such as holding an assembly on harassment, intimidation and bullying for Parents and Students, to raise the level of awareness and help prevent the prohibited conduct.

The School shall incorporate training on this policy into the in-service training required under R.C. 3319.073. The School may provide training, workshops, or courses to other Staff and volunteers who have direct contact with students.

R.C. 3313.666, 3313.667, 3319.073

See also Policy 222 Title IX Grievance Procedure; Policy 271 Student Code of Conduct; Policy 273 Expulsion and Suspension; Policy 232 Technology and Internet Acceptable Use; Policy 234 Electronic Communication Devices; Policy 261 Student Expression; Policy 262 Student Bill of Rights/Responsibilities; and Policy 264 Sexual and Other Forms of Harassment.

All students are expected to conform to the Student Code of Conduct at School, on the School premises, at School activities or functions whether on or off the School premises and on transportation to and from School, if paid for or provided by the School and are subject to the School's disciplinary process when they fail to do so. Students may also be subject to the School's disciplinary process for a violation of the Student Code of Conduct, regardless where it occurs, if the misconduct is directed at School Staff or their property.

Progressive DisciplineFirst Level Offense

1. Teacher explains or reviews class and School rules and warns the student of possible consequences.
1. Teacher applies appropriate in school consequences.

Second Level Offense

1. Teacher applies appropriate consequences, including longer time-outs, or alternate areas for reflection, loss of privileges, detention, etc.
2. Teacher personally communicates the problem(s) with the student's parent(s).
3. Teacher sends a written report home and a copy to the office.

Third Level Offense

If actions taken at Levels 1-2 have not corrected the inappropriate behavior, or, if the student engaged in serious act(s) of misconduct for his or her grade level, the Principal may suspend the student from School, not to exceed ten School days, subject to Policy 273.

Fourth Level Offense

Subject to Policy 273, if actions taken at Levels 1-3 have not corrected the inappropriate behavior, or, if the student engaged in serious act(s) of misconduct for his or her grade level, the highest level administrator of the School likened to a Superintendent may expel the student from School, not to exceed 80 days, unless one year is specifically authorized, or, unless the student is permanently excluded under Policy 273.

Progressive discipline levels may be skipped for serious acts of misconduct at the discretion of the Principal and/or the highest level administrator of the School likened to a Superintendent.

Infractions and Likely Disciplinary Action

	<u>DEFINITION</u>	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Academic Misconduct	Plagiarizing, cheating, copying another's work or internet materials, gaining unauthorized access to material, using, submitting, or attempting to obtain data or answers dishonestly or by means other than authorized by the teacher. Falsifying information (signing homework, etc.).	Level 1-2 disciplinary action.	Level 2-3 disciplinary action.	Level 3-4 disciplinary action.
Bomb Threat	Making a bomb threat to a School building or to any premises at which a School activity is occurring at the time of the threat.	Level 3-4 disciplinary action and 1 year discretionary expulsion.	Level 3-4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
Criminal Act	Committing an act that is a criminal offense when committed by an adult that results in serious physical harm to persons or serious physical harm to property.	Level 3-4 disciplinary action and 1 year discretionary expulsion.	Level 3-4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
Disruptive Behavior	Engaging in any conduct that causes or results in the breakdown of the orderly process of instruction and/or School activities, including but not limited to failure to carry out directions and/or School guidelines, failure to cooperate with School personnel or parent volunteers, verbally harassing other Students or Staff, and running and/or making excessive noise in the building.	Level 1-2 disciplinary action.	Level 2-3 disciplinary action.	Level 2-4 disciplinary action.
Dress Code Violations	See Dress Code	Change into school provided uniform for the day and return it at the end of the school day. Excessive dress code violations may result in additional consequences (Levels 2-3)		
Electronic and Other Communication Devices	No Student shall display or possess any electronic devices (cellular telephones, PDA's, CD players, iPods, gaming devices, etc.) without approval on School property from the beginning of the day to the conclusion of School.	Level 1-2 disciplinary action.	Level 2-3 disciplinary action.	Level 2-4 disciplinary action.

Firearm	Bringing a firearm to the School or onto School Property (any Property owned, used, or leased by the School for School, School extracurricular or School-related events).	1 year mandatory expulsion.	1 year mandatory expulsion.	1 year mandatory expulsion.
	Bringing a firearm to an interscholastic competition, an extracurricular event, or any other School program or activity that is located at a School or on School property.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
	Possessing a firearm at School, on School Property or at an interscholastic competition, an extracurricular event, or any other School program or activity which firearm was initially brought onto School Property by another person.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
Gang Activity	No student shall be involved in initiations, hazing, intimidations and/or related activities of group affiliations which are likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to Students or Staff. No Student shall wear, carry or display gang paraphernalia or exhibit behaviors or gestures which symbolize gang membership or cause and/or participate in activities which intimidate or affect the attendance of another student. See also Gang Policy.	Levels 1-3	Level 2-4	Level 3-4
Homework	Daily homework assignments are an extension of, and reinforce class work, and may be assigned Monday through Friday evenings. The amount of homework and time required for its completion will depend on the grade level of the student and the type of skill or content being developed. All homework must be completed in a timely manner, as determined by the classroom teacher. Repeated failure to timely complete homework is of great concern, and may result in appropriate disciplinary measures.	Level 1	Level 1-2	Level 2 -3

Inappropriate language	Using or directing, insulting, degrading, or demeaning language, written or verbal, toward School personnel or any member of the School community. See also Dignity Policy.	Level 1-2 disciplinary action.	Level 1-3 disciplinary action.	Level 2-4 disciplinary action.
Insubordination	Verbal or nonverbal refusal to comply with a reasonable request or directive while on School property or at any School related activity or event.	Level 1 disciplinary action.	Level 2 disciplinary action.	Level 3 or 4 disciplinary action.
Intimidation/ Menacing/ Bullying/Cyber-Bullying	Threats, verbal or physical, that inflict fear, injury, or damage. Cyber-bullying is a sub-set of bullying and involves the use of information and communication technologies, including but not limited to email, cell phone and pager text messages, blogs, MySpace, Facebook, Wikipedia, Bebo, the Internet, Xanga, Piczo, instant messaging, defamatory personal Web sites, and defamatory online personal polling Web sites, to support deliberate or repeated, or hostile behavior by an individual or group, that is intended to harm, intimidate or harass others on School time or the School premises, at School events, programs or activities or off School time or School premises if such acts affect other Students or Staff of the School. See also Anti-Bullying.	Level 2-3 disciplinary action.	Level 3-4 disciplinary action.	Level 3-4 disciplinary action.
Knife	Bringing a knife capable of causing serious bodily injury to School, onto School property, to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or which the School is a participant.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.
	Possessing a knife capable of causing serious bodily injury at School, on School Property or at an interscholastic competition, an extracurricular event, or any other School program or activity which knife was initially brought onto School Property by another person.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.	Level 4 disciplinary action and 1 year discretionary expulsion.

Lying	Intentionally giving untrue communication.	Level 1-2 disciplinary action.	Level 1-2 disciplinary action.	Level 2-4 disciplinary action.
Obscenities/ Verbal Abuse/ Vulgarity	Directing obscene, abusive, vulgar, profane, harassing, insulting, racial, sexual, religious, or ethnic slurs, written or verbal, toward School personnel or any member of the School community. This shall include use of obscene gestures and signs that willfully intimidate, insult, or in any other manner, abuse others.	Level 1-2 disciplinary action.	Level 2-4 disciplinary action.	Level 3-4 disciplinary action.
Physical Contact	Participating in unacceptable physical contact, including but not limited to fighting, pushing, intentionally hurting other students. See also Fighting Policy.	Level 1-3 disciplinary action.	Level 2-4 disciplinary action.	Level 3-4 disciplinary action.
Refusal to Do Classroom Work	The refusal to complete work, labs, projects, or other assignments given by the teacher.	Level 1 disciplinary action.	Level 2 disciplinary action.	Level 3 disciplinary action.
Minor Safety	Students shall be concerned about their own safety and that of others. Student actions that may be considered a minor safety risk include, but are not limited to: • Talking during safety drills • Running, pushing, yelling, or other inappropriate behaviors • Any inappropriate playground behaviors • Minor insubordination to adults	Level 1 disciplinary action.	Level 2 disciplinary action.	Level 2-4 disciplinary action.
Major Safety	Behavior that creates a more severe possibility of harm to oneself or others, including but not limited to • Leaving the school building or grounds without permission • Other acts which could harm the student or others	Level 2-4	Level 2-4	Level 2-4
Sale, Use, Possession, or Distribution of Alcohol, Drugs,	Using, selling/purchasing, distributing, possessing, or attempting to possess, mood altering chemicals, or substances (including counterfeit or look-alike	Level 3-4 disciplinary action.	Level 3-4 disciplinary action.	Level 4 disciplinary action.

or other Chemical Controlled Substances	substances), distributing any narcotics, drugs, controlled substances of any kind, or alcoholic beverages, or other intoxicant on School property or at School functions or event. See also Drugs and Alcohol.			
Sale, Use, Possession, or Distribution of Tobacco Product	Using, selling/purchasing, distributing, possessing or attempting to possess, any tobacco product or paraphernalia (including e-cigarettes, vapor-based nicotine, and lighters). See also Use of Tobacco on School Premises.	Level 1-2 disciplinary action.	Level 2 - 3 disciplinary action.	Level 2- 4 disciplinary action.
School Property	Textbooks, computers, and school facilities are available for student use. Proper care and use of school property is expected. All violations in this area require restoration and/or restitution. Violations include but are not limited to: • Defacing textbooks, library books, and other school materials • Destruction or improper use of school computers, printers, or other technology • Defacing/destruction of school property including desks, walls, lockers, etc. • Failure to respect the property of other students, teachers, school personnel, etc. • Gum chewing on school property • Improper use of restrooms and/or supplies • Stealing	Level 1 disciplinary action.	Level 2 disciplinary action.	Level 2-4 disciplinary action.
Sexual or Other Harassment	Unwelcome advances of a sexual nature, requests for sexual favors, and/or other verbal or physical conduct or communication of a sexual nature. Sexual harassment that includes unwelcome physical contact shall be assumed to have the effect of	Level 1-3 disciplinary action.	Level 2-4 disciplinary action.	Level 3-4 disciplinary action.

	substantially interfering with the victim's employment or educational environment. See Harassment Policies.			
Tardiness	To class: The act of a student not being in his/her classroom or seat when class is scheduled to begin as defined in the School schedule.	Disciplinary action consistent with Truancy Policy.	Disciplinary action consistent with Truancy Policy.	Disciplinary action consistent with Truancy Policy.
Theft	Stealing, attempting to steal, possessing or transferring School or private property, or participating in the theft or attempted theft of School or private property.	Level 1 disciplinary action.	Level 2 or 3 disciplinary action.	Level 3 or 4 disciplinary action.
Toys or Play Objects	School is a place of learning. Distractions cause students to be inattentive. Therefore students are to keep all toys or play objects at home unless the teacher designates a specific day for sharing what a student owns. If a Student chooses to share a toy or other object on such an occasion, the School is not responsible for these items. Violations include but are not limited to: • Bringing toys or distracting objects to school • Creating toys or distracting objects at school	Level 1 disciplinary action.	Level 1-2 disciplinary action.	Level 1-2 disciplinary action.
Truancy	Habitual or chronic absence from School or class without legitimate excuse and failure to follow proper attendance check-in/check-out and absence procedures. See also Truancy Policy.	Disciplinary action consistent with Truancy Policy.	Disciplinary action consistent with Truancy Policy.	Disciplinary action consistent with Truancy Policy.
Violating Classroom Rules	Not following the classroom rules as determined by the classroom teacher.	Level 1 disciplinary action.	Level 2-3 disciplinary action.	Level 2-4 disciplinary action.

This policy governs the use of positive behavioral methods and emergency safety interventions including seclusion and restraint. Any use of emergency safety interventions that does not meet the requirements set forth below is prohibited.

Definitions

Aversive behavioral interventions: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalants or tastes, or other sensory stimuli such as climate control, lighting, and sound.

Behavior Intervention Plan: a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain the behavior, by strengthening replacement skills, teaching new skills, and providing positive behavior intervention and supports and services to address the behavior.

Chemical Restraint: a drug or medication used to control a student's behavior or restrict freedom of movement that is not (A) prescribed by a licensed physician, or other qualified health

professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

De-escalation techniques: are strategically employed verbal and non-verbal interventions used to reduce the intensity of threatening, violent, and disruptive behavior before a crisis occurs.

Functional Behavior Assessment (FBA): is a collaborative problem-solving process used to describe the function or purpose that is served by a student's behavior. Understanding the function that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

Mechanical Restraint: (A) any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose; and (B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including: (1) restraints for medical immobilization; (2) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or (3) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent: (A) a biological or adoptive parent; (B) a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State); (C) an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; (D) a surrogate parent who has been appointed in accordance with O.A.C. 3301-51-05(E); and (E) any person identified in a judicial decree or order as the parent of the child or the person with authority to make educational decisions on behalf of the child.

Physical Escort: the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical Restraint: the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. This does not include a physical escort, mechanical restraint, or chemical restraint, or brief, but necessary, physical contact for the following purposes: (A) to break up a fight; (B) to knock a weapon away from student's possession; (C) to calm or comfort; (D) to assist a student in completing a task if the student does not resist the contact; or (E) to prevent a threat to the immediate safety of the student or others.

Positive Behavior Interventions and Supports ("PBIS"): (A) a school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes and increase learning for all students, and (B) that encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminishes reoccurrences of challenging behaviors, and teaches appropriate behavior to students.

Positive Behavior Interventions and Supports Leadership Team: the team at the School that plans, coaches and monitors implementation on PBIS. The team may include the a School administrator, teacher representatives across grade levels, and staff able to provide behavioral expertise, and other representatives identified by the district or school such as bus drivers, food service staff, custodial staff, and paraprofessionals.

Prone Restraint: physical or mechanical restraint while the student is in a face down position.

Seclusion: involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

Student personnel: teachers, principals, counselors, social workers, school resource officers, teachers' aides, psychologists, bus driver, related service providers, nursing staff, or other School staff who interact directly with students.

Timeout: a behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

Creation of Positive Behavioral Intervention and Supports

The School shall establish an evidence-based school wide system of positive behavioral interventions and supports that will apply in all settings to all students and staff. The system shall include family involvement. The School's PBIS framework includes all of the following:

- A. A decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students;
- B. Data-based decision making to select, monitor, and evaluate outcomes, practices, and systems;
- C. Evidence-based practices along a multi-tiered continuum of supports;
- D. Systems that enable accurate and sustainable implementation of practices; and
- E. Progress monitoring for fidelity and target outcomes.

The School's implementation of its PBIS framework includes:

- A. Explicit instruction of school-wide behavior expectations;
- B. A consistent systems of acknowledging and correcting behaviors;
- C. Teaching environments designed to eliminate behavior triggers; and
- D. Family and community involvement.

Prohibited Practices

The following are **prohibited under all circumstances**, including emergency safety situations:

- A. Prone restraint;

- B. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
 - i. involves the use of pinning down a student by placing knees to the student's torso, head, or neck;
 - ii. uses pressure point, pain compliance, or joint manipulation techniques; or
 - iii. otherwise involves techniques that are used to unnecessarily cause pain.
- C. Corporal punishment;
- D. Child endangerment as defined in R.C. 2919.22;
- E. Deprivation of basic needs;
- F. Seclusion or restraint of preschool students (if any);
- G. Mechanical or chemical restraints;
- H. Aversive behavioral interventions;
- I. Seclusion of students in a locked room or area; or
- J. Any physical restraint that obstructs the student's airway or impacts the student's primary mode of communication.

Staff must:

- A. Be appropriately trained to protect the care, welfare, dignity, and safety of the student;
- B. Continually observe the student in restraint and/or seclusions for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- C. Use verbal and on-verbal communication strategies and research based de-escalation techniques in an effort to help the student regain control;
- D. Remove the student from physical restraint and/or seclusion immediately when the immediate risk of physical harm to self or others has dissipated;
- E. Conduct a de-briefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- F. Complete all required reports and document staff observations of the students.

Restraint

Restraint may be used only in a manner that is age and developmentally appropriate, when there is an immediate risk of physical harm to the student or to others and no other safe and effective intervention is possible. Physical restraint must be performed by trained staff, except in the case of an unavoidable emergency situation.

Physical restraint may not be used for punishment, discipline, or as a substitute for other less restrictive means of assisting a student in regaining control, and should be used only as a last resort.

Seclusion

Seclusion may be used as a last resort for the student to regain control; it is age and developmentally appropriate; there is an immediate risk of physical harm to the student or others; and there is no other safe and effective intervention available.

Seclusion shall not be: used for punishment or discipline; as a substitute for an education program; as a substitute for inadequate staffing, or for staff training in PBIS frameworks and crisis

management; for the convenience of staff; as a means to coerce or retaliate; in a manner that endangers the student; or, as a substitute for other less restrictive means of assisting the student in regaining control reflective of the cognitive, social, and emotional levels of the student.

The room or area used for seclusion cannot be locked, and must allow for the student to exit the area should the staff become incapacitated or leave the area. The room or area must also provide for adequate space, lighting, ventilation, and the ability to observe the student. The student must be under constant supervision by staff trained to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

Multiple Incidents and Functional Behavioral Assessment

For students eligible for special education per the Individuals with Disabilities Education Act (“IDEA”) or who have a Section 504 Plan, the School shall convene the IEP team or Section 504 team within ten (10) school days after the third incident of seclusion or physical restraining in a school year. The IEP team or Section 504 team will consider the need to conduct a functional behavioral assessment (“FBA”). If necessary, this FBA should be followed by a behavioral intervention plan (“BIP”), or an amendment to an existing BIP, that incorporates appropriate positive behavioral interventions.

Training and Professional Development

The School PBIS Leadership Team or other qualified training shall train all staff working with students at least every three (3) years on the requirements of this policy and shall keep written or electronic documentation of the type of training and the participants. Professional development will include:

- A. An overview of PBIS;
- B. The process for teaching behavioral expectations;
- C. Data collection;
- D. Implementation of PBIS with fidelity;
- E. Consistent systems of feedback to students for appropriate behavior and corrections; and
- F. Consistency in discipline and disciplinary referrals.

The School shall also ensure that an adequate number of personnel in each building are trained annually in crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion, and that their training is kept current. The minimum training requirements include:

- A. Proactive measures to prevent the use of seclusion or restraint;
- B. Crisis management;
- C. Documentation and communication about the restraint or seclusion with appropriate parties;
- D. The safe use of restraint and seclusion;
- E. Instruction and accommodation for age and body size diversity;
- F. Directions for monitoring signs of distress during and following physical control; and
- G. Debriefing practices and procedures.

Training must include face-to-face training and allow for a simulated experience of administering and receiving physical restraint. The School shall maintain documentation that includes the following:

- A. The name and position of each person who completed training;
- B. The name, position, and credentials of each person who provided the training;
- C. When the training was completed; and
- D. What protocols, techniques, and materials were included in training.

Student personnel will be trained to perform the following functions:

- A. Identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and
- B. Use preventative assessments that include at least the following:
 - i. A review of existing data;
 - ii. Input from parents, family members, and students; and
 - iii. Examination of previous and existing behavior intervention plans.

The School shall ensure that there is a support plan in place for substitute teachers if the individual needs assistance with PBIS or crisis management and de-escalation.

Required Data and Reporting

Staff must document each use of seclusion or restraint and report it to the building administration and the parent immediately. A written report of the incident must be created, given to the parent within twenty-four (24) hours of the incident, and placed in the student's file. This report is subject to the Family Educational Rights and Privacy Act.

The School shall report information concerning its use of seclusion and restraint annually to, and as requested by, the Ohio Department of Education.

The School shall give notice of this policy to parents annually, and shall post this policy on its website.

Monitoring and Complaint Procedures

The School shall review this policy on an annual basis.

A Parent may submit written complaints regarding an incident of seclusion or restraint to the School, and the Principal or his/her designee will investigate every complaint and make a reasonable effort to have an in-person follow-up meeting with the parent within 30 days of the complaint's filing.

Parents may choose to file a complaint with the Ohio Department of Education, Office of Integrated Student Supports, in accordance with the complaint procedures established by the Department.

447 School Emergency Management Plan

The Principal or his/her designee with supervisory authority shall examine the environmental conditions and operations of each School building under his or her supervision to determine potential hazards to student and staff safety, and shall propose operating changes to prevent dangerous circumstances and develop and adopt a comprehensive school emergency management plan to respond to such hazards (“EMP”). The EMP shall consist of four parts: (i) the emergency operations plan; (ii) a floor plan that is unique to each floor of the School’s building; (iii) a site plan that includes all building property and surrounding property, and (iv) an emergency contact information sheet. The Principal shall consult with community law enforcement and safety officials, parents, and School employees when developing the EMP, and shall list the name, title (if applicable), contact information and signature of all participating parties in the final EMP.

Emergency Operations Plan

The emergency operations plan shall be contained in a single document designed to address and respond to all-hazards that may negatively impact the School, at minimum including the following events: an active shooter event; a hostage situation; a bomb threat; an act of terrorism; bullying; and any other natural or manmade hazards that the Principal or his/her designee knows of or should reasonably anticipate occurring that could compromise the health or safety of students, employees, administrators or property based on the results of a hazard identification and risk analysis for the School. The hazard and risk analysis shall also be included with the emergency operation plan.

The emergency operations plan shall be an all-hazards plan in compliance with the National Incident Management System (“NIMS”) and plan operations shall be organized around five mission areas. These include:

1. Prevention: meaning the capabilities needed to deter, stop or avoid an imminent crime, threat or actual mass casualty event;
2. Protection: defined as the capabilities to secure the School against manmade and natural disasters, acts of violence, or other ongoing hazards;
3. Mitigation: meaning the capabilities needed to eliminate or reduce property damage, injury or loss of life by minimizing the impact of an emergency event and decreasing the likelihood of hazardous events;
4. Response: means the capabilities necessary to stabilize an emergency once it has already happened or is certain to occur in an unpreventable way by establishing a safe and secure environment in order to save lives and property; and
5. Recovery: meaning the capabilities necessary to restore a learning environment after an emergency situation.

Each protocol shall include procedures deemed appropriate by the Principal or his/her designee with supervisory authority for responding to threats and emergency events, respectively, including procedures for the notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. When approved by the Ohio Building Code and noted in the School’s certificate of occupancy, the emergency operations plan may also include the use of temporary door locking devices to prevent ingress and egress in emergency situations or during active shooter drills.

The emergency operations plan shall incorporate education procedures, including procedures that involve the use of training drills, to instruct students, staff and administrators on methods to avoid, deter, or stop an imminent crime or safety issue.

Prior to the opening day of each School year or upon initial enrollment, whichever is later, the Principal or his/her designee with supervisory authority shall inform each student enrolled in the School and the student’s parent of the parental notification procedures included in the EMP.

EMP Test

The Principal or his/her designee with supervisory authority shall prepare and conduct at least one annual emergency management test, defined as a regularly scheduled drill, exercise, or activity that is designed to assess and evaluate an emergency management plan. The emergency management test shall be either:

1. A tabletop exercise held in an informal setting to discuss of various issues regarding a hypothetical, simulated emergency;

2. A functional exercise conducted in a realistic, real-time environment designed to validate and evaluate the School's emergency capabilities by exercising plans, policies, and procedures through a projected exercise scenario with event updates that drive activity at the management level; or
3. A full-scale exercise involving multiple agencies, organizations, and jurisdictions in order to test and validate the School's many facets of preparedness.

Each exercise type shall be used at least once every 3 years, and shall assess at least one hazard identified in the School's hazard and risk analysis. At least one representative from the local law enforcement agency, fire department, emergency medical services agency or behavioral health entities shall be invited to participate in or observe the emergency management test; however, actual observation or participation by any outside entities shall not be required. Students shall not be included in emergency management tests unless the School has received parental consent, and it is determined by the Principal or his/her designee that the student's participation would be beneficial to the School and would be appropriate given the student's age and understanding of the test's purpose.

The Principal or his/her designee with supervisory authority shall submit an after action report documenting the emergency management test to the Ohio Department of Education no later than thirty (30) days after the test is completed. See **Appendix 447-A**.

The School shall also conduct routine safety drills, including at least one (1) theoretical drill, to provide students and staff with instruction on securing in the building or rapidly evacuating in response to a threat to the School involving an act of terrorism a person possessing a deadly weapon, or another act of violence requiring an immediate response.

The EMP shall be submitted electronically using the standardized forms developed by the Department of Education. The Principal or his/her designee with supervisory authority shall review the EMP annually by July 1 and certify to the Department of Education that the plan is current and accurate. The EMP shall be updated and revised at least every three (3) years from the previous date of compliance. The Principal or his/her designee with supervisory authority must also submit an updated electronic copy of the EMP to the Department of Education whenever a major modification to the School building necessitates changes in the EMP's procedures or whenever the emergency contact information changes. Updated copies are due to the Department within ten (10) days of the adoption of any changes to the EMP. A copy of the EMP shall also be filed with each law enforcement agency having jurisdiction over the School building(s). Upon request, the EMP will be filed with the fire department and emergency medical service organization serving the political subdivision or county, respectively, in which the building is located.

The Principal or his/her designee with supervisory authority shall keep copies of this EMP in a secure place. Copies of the EMP and information pertaining to the School's safety protocols are not public records and shall be exempt from public disclosure or release in accordance with the Ohio Public Records Act.

The School will grant access to School buildings so that law enforcement personnel, the fire department for the political subdivision, emergency medical service organizations for the political

subdivision, and emergency management agencies for the county in which the building is situated may hold emergency response training sessions. The training sessions must occur outside of student instructional hours, and the Principal or a designee of the School must be present during the sessions.

Threat Assessment

Beginning with the 2022-2023, if the School serves any of the grades 6-12, the School shall establish a multidisciplinary Threat Assessment Team (“TAT”), comprised of a School administrator, and when possible, mental health professionals, school resource officers, and other necessary personnel. Upon appointment, and every three (3) years thereafter, each member of the TAT shall complete a threat assessment training approved by the Department of Public Safety, which shall include instruction on the following:

- Identifying behaviors, signs and threats that may lead to a violent act;
- Determining the seriousness of a threat; and
- Developing intervention plans that protect potential victims and address underlying problems or conflicts that initiated the behavior and assessment results.

Proof of training shall be uploaded with the EMP.

The TAT shall conduct a threat assessment to minimize the risk of targeted violence at the School. The TAT shall utilize an evidence-based threat assessment process or best practices threat assessment guidelines created by the national threat assessment center (including the joint U.S. Secret Service and U.S. Department of Education publication, Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates for identifying, assessing, and managing students who may pose a threat). The results of the threat assessment shall be used to develop a Threat Assessment Plan (“TAP”), which shall be incorporated into the EMP and shall do at least the following:

- Identify the types of threatening behavior that may represent a physical threat to the School community;
- Identify individuals to whom threatening behavior should be reported and steps to be taken by those individuals;
- Establish threat assessment guidelines, including identification, evaluation of the seriousness of a threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results; and
- Establish guidelines for coordinating with local law enforcement agencies and reports collected through the School’s anonymous reporting tip-line, including identification of a point of contact.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence. Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency. In the event that the Principal or his or her designee learns of a threat of violence or concerning communications or behaviors that indicate the likelihood of a threatening situation, the TAT will be directed to meet to gather information, evaluate facts, and make a determination as to whether a threat of violence exists. If the TAT determines that there is a specific risk of violence,

the TAT may collaborate with interested parties to develop and implement a written plan to manage or reduce the threat posed by the student in that situation. Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

The TAT shall maintain student confidentiality as required by the Family Educational Rights and Privacy Act ("FERPA"), including in conformity with the health or safety emergency exception to FERPA permitting disclosure of student information to appropriate parties to address a health and safety emergency.

Notwithstanding any other immunity or defense available, the School, Board, and employees, including the members of the TAT shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a TAT member's execution of duties related to school safety unless the team member's act or omission constitutes willful or wanton misconduct.

Anonymous Reporting Tip-Line

The School shall register with the SaferOhio school tip line operated by the Ohio Department of Public Safety or enter into an agreement with an anonymous reporting program that is capable of the following:

- Operates 24 hours a day, seven days per week; and
- Forwards all reported information to and coordinates with the appropriate school Principal, threat assessment teams (once established) and law enforcement.

The School shall promote the availability of the anonymous reporting tip-line.

The School will maintain a log of reported tips, including demographic information about the student subject to the report, and any disciplinary or mental health actions and/or referrals made for the subject student.

R.C. 3737.73(D); R.C. 3314.03(A)(11)(d); R.C. 3313.669; R.C. 3313.6610; R.C. 5502.6262; R.C. 5502.263; O.A.C. 3301-5-01.

See also **Policy 423 Facility Security, Policy 424 Emergency Preparedness and Evacuation; Appendix 424-A Emergency Management and Health Plan Emergency Drills, Policy 428 Bomb Threat Policy, Policy 429 Crisis Media Situations, and Appendix 447-A Data Collection Worksheet: Information for EMT (Emergency Management Test) Entry Into SAFE Account.**

The Board shall create standards for the types of food and beverages sold or provided in the School and the time and place each type of food and beverage is sold or provided, in accordance with state law and based on the following guidelines:

- A. The types of food and beverages sold in the School will
 - 1. promote student health and reduce childhood obesity,
 - 2. significantly benefit the daily nutritional needs of students (per U.S. Department of Agriculture guidelines),
 - 3. align with School Wellness Policy (Policy 453) requirements, and
 - 4. follow requirements provided under state and federal law.
- B. The Board or its designee shall consult with a licensed dietician, a registered dietetic technician or a certified/credentialed school nutrition specialist to assist in drafting a plan:
 - 1. for complying with and enforcing the nutritional standards governing the types of food and beverages that may be sold on the School premises in compliance with State law; and
 - 2. specifying the time and place each type of food or beverage may be sold.

See Appendix 455-A Nutrition Standards for Food and Beverages.

- C. The times and locations of food and beverage sales to students on school grounds will be assigned based on nutrient intake needs and eating patterns of students and align with class schedules. With regard to non-breakfast/lunch food and beverage sales:
 - 1. The School will not operate vending machines offering foods or beverages that do not meet the nutritional standards established by the School during the school lunch period. The Board reserves the right to totally restrict the sale of non-nutritional foods and beverages in vending machines.
 - 2. Bake sales and other school fundraising activities involving food and beverage items may not be held during a school meal period. The School will limit the frequency of bake sales and other food based fundraisers where non-nutritional foods and beverages will be sold based on the standard established by the Department of Education.
- D. The types of food and beverages provided, but not sold, to students will align with the School Wellness Program and any applicable requirements provided under state law. The Board may provide parents with a list of acceptable snacks that may be provided in the School.
- E. Annually, the food services supervisor shall review and report the School's compliance with these standards to the Board and to the Ohio Department of Education. The Board may establish separate standards regulating the types of food and beverages to be sold to Staff Members and for special or extracurricular events.

This policy applies to the sale or provision of foods from the midnight before the school day until 30 minutes after the end of the regular school day on school premises. School premises, for the purpose of this policy, include any areas of property under the School's jurisdiction that is accessible to students during the regular school day.

7 C.F.R. 210.10-210.11; 7 C.F.R. 210.31(c)(2)-(3); 7 C.F.R. 220.8; R.C. 3313.814; R.C. 3313.816; R.C. 3313.817; OAC 3301-91-09; USDA Smart Snacks in School nutrition guidelines.

Appendix 294-A

Notice of Rights Under the Family Educational Rights and Privacy Act (“FERPA”) and Authorization to Release Student Directory Information
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FERPA affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:

1. The right to inspect and review the student’s education records within forty-five (45) days of the day the School receives a request for access. Parents or eligible students should submit to the Principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. Parents or eligible students may ask the School to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. They should write the Principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School in an administrative, supervisory, academic, or support staff position; a member of the school law enforcement unit, which consists of the Principal; a person with whom the School has contracted to perform a special task (i.e. Attorney, auditor, outside consultant); or a person serving on the Board. A school official has a “legitimate educational interest” in an education record when the official needs to review the record in order to fulfill his or her responsibility on behalf of the School, such as when the official is performing a task that is specified in his or her job description or by a contract agreement or other official appointment; performing a task related to a student’s education; performing a task related to the discipline of a student; or providing a service or benefit relating to the student or student’s family, such as health care, counseling, or assisting with the college application procedure; or any other purpose that the Board deems necessary as related to a student’s education. Upon request, the School discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5901**

5. The School intends to forward any and all education records to another school or post-secondary institution at which the students seeks or intends to enroll, upon the condition that the student's parents be notified of the transfer, receive a copy if so desired, and have an opportunity for a hearing to challenge the content of the record.

The Family Educational Rights and Privacy Act of 1974 (FERPA) protects the privacy of students' education records. Under FERPA, most information about our students cannot be made public without the consent of parents/guardians. However, if the School designates information as directory information, FERPA allows the release of student directory information unless the student's parent(s)/guardian(s) inform the School in writing not to release such information.

OFFICIAL DESIGNATION

The School must choose one of the following options and mark appropriate lines with an "X".

This School:

_____ HAS NOT designated any personally identifiable information as directory information and will not include such information in school publications, recognition lists, programs, or student directories or give such information to third parties without parental consent

OR

_____ HAS designated the following marked information as directory information ("X" applicable information below):

_____ Student's name
_____ Student's address
_____ Student's electronic mail address
_____ Student's photograph
_____ Student's telephone number
_____ Student's date and place of birth
_____ Student's major field of study
_____ Student's participation in officially recognized activities or sports
_____ the weight and height of members of athletic teams
_____ dates of attendance

_____ awards received
_____ date of graduation

The School will use the designated directory information (if any) in the following manner [check appropriate lines]

_____ all school related publications
_____ yearbook
_____ honor roll
_____ other recognition lists
_____ activity programs
_____ awards or awards ceremonies
_____ graduation programs
_____ sports
_____ student directory
_____ other _____
_____ all of the above

Officially designated directory information can also be disclosed to outside organizations unless parent(s)/guardian(s) have advised the School that they do not want their student's information disclosed without their prior approval.

If the School has chosen to not designate directory information, no directory information will be released (see above) and no parental opt out is required.

If the School has chosen to release directory information, and if you do **NOT** want the School to disclose directory information from your child's education records without your consent, you must notify us in writing within ten (10) days of your receipt of this notice or on _____, whichever is later.

The form below may be utilized for that purpose.

Please do not make available my student's directory information without my prior written permission.

Name of Student(s): _____

Parent or Responsible Custodian/Guardian Signature

Date

Printed Name of Parent or Responsible Custodian/Guardian

Date

Appendix 381.1-A
CERTIFICATION FORM
Emergency Paid Sick Leave or E-FMLA Leave

This form is required for employees requesting or eligible for Emergency Paid Sick Leave or leave under the Emergency Family and Medical Leave Expansion Act (“E-FMLA”), which are part of the federal Families First Coronavirus Response Act (“FFCRA”), effective April 1, 2020 to December 31, 2020.

Instructions: Please answer the following questions and the certification of your need for leave fully and completely, including all applicable parts. Providing false information or fraudulently certifying a need for leave will be grounds for discipline, up to and including termination from employment and/or grounds for legal action under applicable law.

Please note that if you need to take leave beyond the two weeks of emergency paid sick leave because an eligible medical condition for COVID-19-related reasons rises to the level of a serious health condition, you will be required to provide additional information and certifications as required under the Family Medical Leave Act.

Employee Name (print clearly): _____

Position: _____

School: _____

Provide the first date of your need for leave and the expected duration of your need for leave:

Select and describe the reason(s) for your need for the leave:

- ☐ You are subject to a federal, state or local quarantine or isolation order related to COVID-19 and are unable to work or telework.

Identify the governmental entity ordering your isolation or quarantine:

- ☐ You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19 and are unable to work or telework.

Identify the health care provider who advised you to self-quarantine:

- ☐ You are experiencing symptoms of COVID-19, and you are seeking a medical diagnosis and are unable to work or telework.

Symptoms of COVID-19 are: fever, dry cough, shortness of breath, or other COVID-19 symptoms identified by the U.S. Centers for Disease Control and Prevention (CDC).

- ☐ You are caring for an individual subject to a Federal, State or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19, and are unable to work or telework.

Identify the person for whom you are providing care and his or her relationship to you:

Identify the government entity that issued the quarantine or isolation order to which the individual being cared for is subject:

Identify the health care provider who advised the individual being cared for to self-quarantine:

- ☐ You are caring for your son or daughter* whose school or place of care has closed (or whose child care provider is unavailable), as a result of COVID-19 precautions, and are unable to work or telework.

Name(s) and age(s) of child(ren) requiring care:

If your child(ren) is/are older than 14, provide a statement that special circumstances exist requiring you to provide care during daylight hours:

Identify the name of the school or child care provider that has closed or become unavailable due to COVID-19:

If this is your need for leave, initial below verifying that during the period of leave, no other suitable person will be providing care for the child(ren) identified above.

I hereby verify to the above is true: _____ (initial)

I hereby verify to the above is NOT true: _____ (initial)

- ☐ You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor and are unable to work or telework.

By signing below, I certify that I require Emergency Paid Sick Leave or leave under the E-FMLA for a qualified reason as set forth below and in the attached notification poster. I also certify that the foregoing answers, including my inability to work or telework, are true, accurate, and complete to the best of my knowledge.

Signature

Date

*Son or daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH1422 REV 03/20